

REMARKS

The Office examined claims 1-22 and rejected same, based on a new ground of rejection. With this paper various of the claims are changed in ways believed to more distinctly claim the invention, new claim 23 is added to the case, and reconsideration is requested. Claims 1-23 are now pending.

Rejections under 35 USC §102

At section 3 of the Office action, claims 1-22 are rejected under 35 USC §102 as being anticipated by U.S. Pat. No. 5,655,003 (hereinafter Erving).

Claims 1 and 8 and 21 are the only independent claims.

As to claim 1, claim 1 is to a method for use by a device (a wireless communication terminal equipped for cellular communication) in determining whether to allow an application hosted by the device to establish a network connection (a connection to a telecommunication network) to a cellular network for which other applications hosted by the device already have connections, or to a new cellular network. A mobile terminal can have traditional telephony applications (such as ability to create and receive speech calls), a WAP (wireless access protocol) browser, a MMS (multimedia message system) application and support for dial-up networking.

The method is for use in determining whether to allow establishing a network connection really only when at least one such connection already exists, i.e. when some applications hosted by the device are already in use, and so have respective connections already established. For example, the device may already have a circuit-switched voice connection and two packet-switched data connections to a network, each used by a different application hosted by the device), and another application hosted by the device may need still another packet-switched connection.

The network in this case could be e.g. an UMTS network, using WCDMA for communication between its radio access network (UTRAN) and mobile stations. The maximum number of different simultaneous network connections a device can have is of course limited (and depends on various factors, including the kinds of connections), and the invention is aimed at efficient use of the possible connections.

The method as in claim 1 includes obtaining information about currently active cellular network systems (for example, how many different kinds of the different possible connections are permitted), and deciding whether to allow establishing the new cellular network connection based on factors including the information about currently active cellular network systems. As explained in the application in reference to Figures 1 and 2, the information about connections currently in use can be obtained by what in the application is called a "cellular network information server" (12) and then provided to a "network resource control module" (11a), which can then make a decision on whether to allow the application (possibly using other services included in the device) to establish the connection. As also explained in the application, the information used in making the decision may include identifiers for the applications using the already-established connections. The factors may also include the identity of the application making the request and the identities of the applications using connections currently in use, so as to make the decision as to whether to allow establishing the connection after taking into account the importance and type of the different applications contending for the network resources (connections).

Erving discloses a wireless terminal utilizing digital radio processing and that utilizes stored program control to allow the wireless terminal to operate in a plurality of disposed wireless communication systems. In particular, the digital radio

processing with appropriate stored program control operates in a plurality of wireless communication system by selectively and controllably enabling selection of frequency, channel bandwidth, modulation type, channel coding and source coding operational components appropriate to the communication system that the wireless unit is to operate in. A function control enables the wireless terminal to actively seek out and search for availability of wireless communications system in which it may operate. (See abstract.)

Thus, Erving addresses a different problem than that of the invention as in claim 1. Erving teaches a wireless terminal that is software-configurable to access different kinds of wireless communication systems. The invention as in claim 1 provides a method by which a device determines whether to allow another network connection (for use by an application hosted by the device) to a network (possibly different from the currently active networks) when there are already network connections.

The Office relies on col. 1, lines 55-58 and col. 2, lines 31-35 as teaching obtaining information about currently active cellular network systems, asserting that the teaching there is that a terminal device executes a search for available cellular systems in its surrounding. Applicant respectfully submits that whereas Erving discloses searching for available cellular systems, claim 1 requires obtaining information about currently active cellular network systems, i.e. information about cellular network systems to which network connections are already established. So what is required by claim 1 is the opposite of what Erving teaches. Erving teaches looking for wireless communication systems that are available, and so for which no connections currently exist, whereas claim 1 requires obtaining information about cellular network systems already known to be present.

Another way of looking at the difference between Erving and the invention as in claim 1 in this respect is that the

information Erving teaches is to be obtained is not information "about" a cellular network system, but rather the information indicating the mere presence of a cellular network system.

The Office next relies on col. 1, lines 40-49, col. 2, lines 36-51, col. 3, lines 5-10, col. 4, lines 25-35 and 50-67, and col. 6, line 58 to col. 7, line 2 as disclosing *deciding whether to allow establishing a network connection based on factors including information about currently active cellular network systems*, recited in claim 1. The Office states that the cited text discloses that:

in accordance with the operational instructions included within the terminal, the terminal executes the instructions to connect to the system available as the system is appropriately configured for communication as decided by the instructions to select the specific system communications operating characteristics as the terminal interrogates the system settings and identifies the available system.

Applicant respectfully submits that all that is disclosed by Erving at the cited text is to have a wireless communication device try getting in effect a dial tone from each of the different wireless communication systems for which the device is configurable for operation. (More accurately, Erving teaches, among other things, measuring a received signal strength for each such wireless communication system.) There is simply no teaching or suggestion of "deciding whether to allow establishing a new connection" as required by claim 1 (let alone making such a decision based on information about any currently active cellular network systems, as further required by claim 1), but rather simply a teaching of trying to determine if a connection can be made. As explained at col. 1, lines 47-49, the functionality disclosed by Erving allows a wireless terminal according "to actively seek out and search for availability of wireless communications system [sic] in which it may operate." This is not at all the same as deciding whether to allow a connection to a wireless communication system. Such a decision could possibly

follow a determination of whether a connection could possibly be made (using e.g. the teachings of Erving), but such a decision is not the same thing as actively seeking out and searching for availability of wireless communications systems for which a device is configurable. (At col. 4, lines 50-67, a decision block 311 is disclosed, but this block decides only whether to use a wireless or wireline system. See Figure 3, block 311. There is also a decision block 805 disclosed at col. 6, line 60, but this decision block is merely for deciding whether a page message has been received. See Figure 8, block 805)

So it cannot be said that Erving teaches all of the elements of claim 1, as required for the rejection made by the Office.

As to claims 8 and 21, the Office relies on the same disclosure in Erving as teaching each of the elements recited in claims 8 and 21 as the Office relied on for teaching the limitation of claim 1 in which the mobile terminal decides whether to allow a new connection based on information about currently active cellular network systems. Because the second limitation in claim 8 corresponds to the limitation in claim 1 where making a decision based on information about currently active cellular network systems is recited, claims 8 and 21 are believed allowable for the reasons given for claim 1 in respect to the limitation as to making a decision, i.e. Erving does not teach making a decision at all as to whether to establish a new connection, but instead merely teaches trying to make a connection.

Claim 8 is also changed by this paper to more distinctly claim the invention in respect to the first limitation recited there. Instead of reciting "a resource manager" the claim now recited "a resource manager component," so as to be more clearly consistent with the application at page 8, beginning line 9, where it is explained that:

when an application 14a-d attempts to establish a network connection, either an IP (internet protocol) stack 11b or (in

case of dial-up networking) an AT command interpreter 11c (for so-called Hayes modem AT commands) requests permission from the network resource control module 11a on behalf of the application to establish the network connection.

As to dependent claims 5 and 12 (depending respectively from claims 1 and 8), these are rejected by the Office based on the same disclosure as rejecting claims 8 and 21. Applicant respectfully submits that the trial and error teaching of Erving cannot fairly be said to anticipate the invention as in claims 5 and 12, which require that the application needing a connection include in a request to establish a connection an identifier for the application, and which require that the information about connections currently in use include identifiers for applications using the connections currently in use, and which also require that the factors (also used in deciding per claims 1 and 8) also include the identifiers. As argued above, Erving, at the cited location, teaches merely trying to determine if a connection can be made to various different wireless communication systems (for which the wireless terminal is configurable). There is no teaching whatsoever of an application providing an identifier so that a decision as to what connections to make/ keep can be made taking into account what applications are using the existing connections and the application that wants a new connection, as required by these claims.

Accordingly, applicant respectfully requests that the rejections under 35 USC §102 of claims 1, 5, 8, 12, and 21 be reconsidered and withdrawn, and also the rejections of the other claims so rejected and not argued, in view of their dependencies.

#### New claims

New claim 23 is to a mobile terminal including an apparatus as in claim 8 (now to a component of a mobile terminal), and is believed allowable over the applied art for the same reasons as claim 8. It adds as a further limitation wirelessly communicating



with a currently active cellular communication system. Support is e.g. Figure 1A and the description at page 7, beginning line 13.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

Jan. 3, 2007

Date

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